

APPEAL

**United States District Court  
District of Massachusetts (Springfield)  
CIVIL DOCKET FOR CASE #: 3:04-cv-30070-MAP**

Frei v. Town of Holland et al  
Assigned to: Judge Michael A Ponsor  
Demand: \$999,000  
Cause: 42:1983 Civil Rights Act

Date Filed: 04/06/2004  
Jury Demand: Defendant  
Nature of Suit: 440 Civil Rights: Other  
Jurisdiction: Federal Question

**Plaintiff**

**Peter K. Frei**

represented by **Peter K. Frei**  
101 Maybrook Road  
Holland, MA 01521  
413-245-4660  
Fax: 413-626-3519  
PRO SE

V.

**Defendant**

**Town of Holland**

represented by **Nancy Frankel Pelletier**  
Robinson Donovan, PC  
1500 Main Street  
Suite 1600  
Springfield, MA 01115  
413-732-2301  
Fax: 413-785-4658  
Email: npelletier@robinson-  
donovan.com  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

I hereby certify on 3/23/2006 that the  
foregoing document is true and correct copy of the  
☐ electronic docket in the captioned case  
☐ electronically filed original filed on  
☒ original filed in my office on 3/23/2006

Sarah A. Thornton  
Clerk, U.S. District Court  
District of Massachusetts

By: [Signature]  
Deputy Clerk

**Dorothy Varon**  
Robinson, Donovan P.C.  
1500 Main Street  
Suite 1600  
Springfield, MA 01115  
413-732-2301  
Fax: 413-785-4658  
Email: DVARON@ROBINSON-  
DONOVAN.com  
**ATTORNEY TO BE NOTICED**

**Defendant**

**Board of Health of the Town of  
Holland**

represented by **Nancy Frankel Pelletier**  
(See above for address)

*ATTORNEY TO BE NOTICED*

**Dorothy Varon**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Holland Conservation Commission**

represented by **Nancy Frankel Pelletier**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Dorothy Varon**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Holland Police Department**

represented by **Nancy Frankel Pelletier**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Dorothy Varon**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Planning Board Town of Holland**

represented by **Nancy Frankel Pelletier**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Dorothy Varon**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Zoning Board of Appeals, Town of Holland**

represented by **Nancy Frankel Pelletier**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Dorothy Varon**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Ronald Benoit**

represented by **Nancy Frankel Pelletier**  
(See above for address)  
*LEAD ATTORNEY*

*ATTORNEY TO BE NOTICED*

**Dorothy Varon**

(See above for address)

*ATTORNEY TO BE NOTICED*

**Defendant**

**Debra Benveniste**

represented by **Nancy Frankel Pelletier**

(See above for address)

*LEAD ATTORNEY*

*ATTORNEY TO BE NOTICED*

**Dorothy Varon**

(See above for address)

*ATTORNEY TO BE NOTICED*

**Defendant**

**Sally Blais**

represented by **Nancy Frankel Pelletier**

(See above for address)

*LEAD ATTORNEY*

*ATTORNEY TO BE NOTICED*

**Dorothy Varon**

(See above for address)

*ATTORNEY TO BE NOTICED*

**Defendant**

**Richard Blease**

represented by **Nancy Frankel Pelletier**

(See above for address)

*LEAD ATTORNEY*

*ATTORNEY TO BE NOTICED*

**Dorothy Varon**

(See above for address)

*ATTORNEY TO BE NOTICED*

**Defendant**

**Harold Congdon**

represented by **Nancy Frankel Pelletier**

(See above for address)

*LEAD ATTORNEY*

*ATTORNEY TO BE NOTICED*

**Dorothy Varon**

(See above for address)

*ATTORNEY TO BE NOTICED*

**Defendant**

**Robert Dymon**

represented by **Nancy Frankel Pelletier**

(See above for address)

*LEAD ATTORNEY*

*ATTORNEY TO BE NOTICED*

**Dorothy Varon**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Robert Ford**

represented by **Nancy Frankel Pelletier**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Dorothy Varon**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Kevin Gleason**

represented by **Nancy Frankel Pelletier**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Dorothy Varon**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Benjamin Haller**

represented by **Nancy Frankel Pelletier**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Dorothy Varon**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Defendant**

**William Hardy**

represented by **Nancy Frankel Pelletier**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Dorothy Varon**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Earl Johnson**

represented by **Nancy Frankel Pelletier**  
(See above for address)  
*LEAD ATTORNEY*

*ATTORNEY TO BE NOTICED*

**Dorothy Varon**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Helen Kreiger**

represented by **Nancy Frankel Pelletier**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Dorothy Varon**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Marilyn LaPlante**

represented by **Nancy Frankel Pelletier**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Dorothy Varon**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Joanne May**

represented by **Nancy Frankel Pelletier**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Dorothy Varon**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Vincent J. McCaughey**

represented by **Nancy Frankel Pelletier**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Dorothy Varon**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Dora Metrelis**

represented by **Nancy Frankel Pelletier**  
(See above for address)  
*LEAD ATTORNEY*

*ATTORNEY TO BE NOTICED*

**Dorothy Varon**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Arthur A. Quinn**  
*P.E.*

represented by **Nancy Frankel Pelletier**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Dorothy Varon**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Brian Roche**

represented by **Nancy Frankel Pelletier**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Dorothy Varon**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Defendant**

**John Stevens**

represented by **Nancy Frankel Pelletier**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Dorothy Varon**  
(See above for address)  
*ATTORNEY TO BE NOTICED*










Date Filed	#	Docket Text
04/05/2004	<a href="#"><u>1</u></a>	COMPLAINT by Peter K. Frei filed. Filing fee of \$150.00 paid. Receipt number 305570. Magistrate Judge Consent Form, LR 4.1 to Pltf. (Attachments: # 1 # 2 # 3 # 4)(Finn, Mary) (Entered: 04/06/2004)
04/06/2004	<a href="#"><u>2</u></a>	Summons Issued as to Ronald Benoit, Debra Benveniste, Sally Blais, Richard Blease, Board of Health of the Town of Holland, Harold Congdon, Robert Dymon, Robert Ford, Kevin Gleason, Benjamin Haller, William Hardy, Holland Conservation Commission, Holland Police Department, Earl Johnson, Helen Kreiger, Marilyn LaPlante, Joanne May, Vincent J. McCaughey, Dora Metrelis, Planning Board Town of Holland, Arthur A. Quinn, Brian Roche, John Stevens, Town of Holland,



		Zoning Board of Appeals,Town of Holland. (Finn, Mary) (Entered: 04/06/2004)
04/21/2004	2	CONSENT to Jurisdiction by US Magistrate Judge. (This document was not scanned and is placed under seal). (Lindsay, Maurice) (Entered: 04/21/2004)
04/21/2004	3	SUMMONS Returned Executed Kevin Gleason - served on 4/6/2004. Answer due 4/26/2004. Holland Conservation Commission - served on 4/6/2004. Answer due 4/26/2004. Holland Police Department - served on 4/6/2004. Answer due 4/26/2004. Earl Johnson - served on 4/6/2004. Answer due 4/26/2004. Helen Kreiger - served on 4/6/2004. Answer due 4/26/2004. Marilyn LaPlante - served on 4/6/2004. Answer due 4/26/2004. Vincent J. McCaughey - served on 4/6/2004. Answer due 4/26/2004. Planning Board Town of Holland - served on 4/6/2004. Answer due 4/26/2004. Brian Roche - served on 4/6/2004. Answer due 4/26/2004. Town of Holland - served on 4/6/2004. Answer due 4/26/2004. Zoning Board of Appeals,Town of Holland - served on 4/6/2004. Answer due 4/26/2004. (Attachments: # 1)(Finn, Mary) (Entered: 04/21/2004)
04/21/2004	4	SUMMONS Returned Executed Debra Benveniste - served on 4/7/2004. Answer due 4/27/2004. Sally Blais - served on 4/7/2004. Answer due 4/27/2004. Richard Blease - served on 4/7/2004. Answer due 4/27/2004. Board of Health of the Town of Holland - served on 4/7/2004. Answer due 4/27/2004. Harold Congdon - served on 4/7/2004. Answer due 4/27/2004. Robert Dymon - served on 4/7/2004. Answer due 4/27/2004. William Hardy - served on 4/7/2004. Answer due 4/27/2004. Joanne May - served on 4/7/2004. Answer due 4/27/2004. Arthur A. Quinn - served on 4/7/2004. Answer due 4/27/2004. John Stevens - served on 4/7/2004. Answer due 4/27/2004. (Finn, Mary) (Entered: 04/21/2004)
04/21/2004	5	SUMMONS Returned Executed Robert Ford - served on 4/17/2004. Answer due 5/7/2004. (Finn, Mary) (Entered: 04/21/2004)
04/21/2004	6	AMENDED COMPLAINT against Ronald Benoit, Debra Benveniste, Sally Blais, Richard Blease, Board of Health of the Town of Holland, Harold Congdon, Robert Dymon, Robert Ford, Kevin Gleason, Benjamin Haller, William Hardy, Holland Conservation Commission, Holland Police Department, Earl Johnson, Helen Kreiger, Marilyn LaPlante, Joanne May, Vincent J. McCaughey, Dora Metrelis, Planning Board Town of Holland, Arthur A. Quinn, Brian Roche, John Stevens, Town of Holland, Zoning Board of Appeals,Town of Holland , filed by Peter K. Frei. (Attachments: # 1 # 2 # 3 # 4)(Finn, Mary) (Entered: 04/21/2004)
04/30/2004	7	NOTICE of Appearance by Nancy Frankel Pelletier on behalf of Ronald Benoit, Debra Benveniste, Sally Blais, Richard Blease, Board of Health of the Town of Holland, Harold Congdon, Robert Dymon, Robert Ford, Kevin Gleason, Benjamin Haller, William Hardy, Holland Conservation Commission, Holland Police Department, Earl Johnson, Helen Kreiger, Marilyn LaPlante, Joanne May, Vincent J. McCaughey, Dora Metrelis, Planning Board Town of Holland, Arthur A. Quinn, Brian Roche, John

		Stevens, Town of Holland, Zoning Board of Appeals, Town of Holland (Lindsay, Maurice) (Entered: 04/30/2004)
04/30/2004	<u>8</u>	Def't's MOTION for More Definite Statement or, in the alternative, for an Extension of Time to 60 days to file responsive pleadings, by Ronald Benoit, Debra Benveniste, Sally Blais, Richard Blease, Board of Health of the Town of Holland, Harold Congdon, Robert Dymon, Robert Ford, Kevin Gleason, Benjamin Haller, William Hardy, Holland Conservation Commission, Holland Police Department, Earl Johnson, Helen Kreiger, Marilyn LaPlante, Joanne May, Vincent J. McCaughey, Dora Metrelis, Planning Board Town of Holland, Arthur A. Quinn, Brian Roche, John Stevens, Town of Holland, Zoning Board of Appeals, Town of Holland. (Lindsay, Maurice) (Entered: 04/30/2004)
05/04/2004	<u>9</u>	Pltf's resp. in opposition to the Def'ts' <u>8</u> MOTION for Extension of Time of 60 days to file a responsive pleadings, MOTION for More Definite filed. (Finn, Mary) (Entered: 05/04/2004)
05/05/2004	<u>9</u>	Judge Kenneth P. Neiman : ELECTRONIC ORDER entered granting without objection <u>8</u> Defendants' Motion for Extension of Time, but denying <u>8</u> Defendants' Motion for More Definite Statement. Defendants' answer shall be filed no later than June 30, 2004. So ordered. (Neiman, Kenneth) (Entered: 05/05/2004)
06/22/2004	<u>10</u>	SUMMONS Returned Executed as to Ronald Benoit. Served on 4/24/2004. Answer due 5/14/2004. (Finn, Mary) (Entered: 06/22/2004)
06/22/2004	<u>11</u>	SUMMONS Returned Executed as to Dora Metrelis. Served on 4/21/2004. Answer due 5/11/2004. (Finn, Mary) (Entered: 06/22/2004)
06/22/2004	<u>12</u>	SUMMONS Returned Executed as to Benjamin Haller w/s/o his daughter Kate on 6/22/2004. Answer due 7/12/2004. (Finn, Mary) (Entered: 06/22/2004)
06/30/2004	<u>13</u>	MOTION for Leave to File a <i>Memorandum of Law in Excess of 20 Pages</i> by Ronald Benoit, Debra Benveniste, Sally Blais, Richard Blease, Board of Health of the Town of Holland, Harold Congdon, Robert Dymon, Robert Ford, Kevin Gleason, Benjamin Haller, William Hardy, Holland Conservation Commission, Holland Police Department, Earl Johnson, Helen Kreiger, Marilyn LaPlante, Joanne May, Vincent J. McCaughey, Dora Metrelis, Planning Board Town of Holland, Arthur A. Quinn, Brian Roche, John Stevens, Town of Holland, Zoning Board of Appeals, Town of Holland. (Attachments: # <u>1</u> Pages 1-20# <u>2</u> Pages 21-35) (Pelletier, Nancy) (Entered: 06/30/2004)
06/30/2004	<u>14</u>	MOTION to Dismiss by Ronald Benoit, Debra Benveniste, Sally Blais, Richard Blease, Board of Health of the Town of Holland, Harold Congdon, Robert Dymon, Robert Ford, Kevin Gleason, Benjamin Haller, William Hardy, Holland Conservation Commission, Holland Police Department, Earl Johnson, Helen Kreiger, Marilyn LaPlante, Joanne May, Vincent J. McCaughey, Dora Metrelis, Planning Board Town of Holland, Arthur A. Quinn, Brian Roche, John Stevens, Town of Holland, Zoning Board of Appeals, Town of Holland. (Pelletier, Nancy) (Entered: 06/30/2004)



		06/30/2004)
07/12/2004		Judge Kenneth P. Neiman : ELECTRONIC ENDORSED ORDER entered granting <u>13</u> Motion for Leave to File memo in excess of twenty (20) pages; cc/cl. (Finn, Mary) (Entered: 07/12/2004)
07/12/2004	 <u>15</u>	Defts' MEMORANDUM in Support of their <u>14</u> MOTION to Dismiss filed by Ronald Benoit, Debra Benveniste, Sally Blais, Richard Blease, Board of Health of the Town of Holland, Harold Congdon, Robert Dymon, Robert Ford, Kevin Gleason, Benjamin Haller, William Hardy, Holland Conservation Commission, Holland Police Department, Earl Johnson, Helen Kreiger, Marilyn LaPlante, Joanne May, Vincent J. McCaughey, Dora Metrelis, Planning Board Town of Holland, Arthur A. Quinn, Brian Roche, John Stevens, Town of Holland, Zoning Board of Appeals, Town of Holland. (Attachments: # <u>1</u> )(Finn, Mary) (Entered: 07/12/2004)
07/13/2004	 <u>16</u>	Pltf's Request (motion) for Entry of Default against the Defts. for failure to resp. to the complaint by Peter K. Frei filed.(Finn, Mary) (Entered: 07/13/2004)
07/13/2004	 <u>17</u>	Pltf's MOTION for Default Judgment against the Defendants by Peter K. Frei filed.(Finn, Mary) (Entered: 07/13/2004)
07/13/2004	 <u>18</u>	AFFIDAVIT of Pltf. Peter K. Frei in Support of his <u>17</u> MOTION for Default Judgment as to the Defendants filed. (Finn, Mary) (Entered: 07/13/2004)
07/13/2004	 <u>19</u>	Pltf's MEMORANDUM in Support of his <u>17</u> MOTION for Default Judgment against the Defendants filed by Peter K. Frei. (Finn, Mary) (Entered: 07/13/2004)
07/13/2004	 <u>20</u>	Pltf's CERTIFICATE OF SERVICE by Peter K. Frei re <u>18</u> Affidavit in Support of Motion, <u>19</u> Memorandum in Support of Motion, <u>16</u> MOTION for Entry of Default, <u>17</u> MOTION for Default Judgment as to the Defendants. (Finn, Mary) (Entered: 07/13/2004)
07/19/2004	 <u>21</u>	Opposition re <u>17</u> MOTION for Default Judgment as to the Defendants filed by Ronald Benoit, Debra Benveniste, Sally Blais, Richard Blease, Board of Health of the Town of Holland, Harold Congdon, Robert Dymon, Robert Ford, Kevin Gleason, Benjamin Haller, William Hardy, Holland Conservation Commission, Holland Police Department, Earl Johnson, Helen Kreiger, Marilyn LaPlante, Joanne May, Vincent J. McCaughey, Dora Metrelis, Planning Board Town of Holland, Arthur A. Quinn, Brian Roche, John Stevens, Town of Holland, Zoning Board of Appeals, Town of Holland. (Pelletier, Nancy) (Entered: 07/19/2004)
07/19/2004	 <u>22</u>	MOTION FOR LEAVE TO PROCEED ON THEIR MOTION TO DISMISS OR, IN THE ALTERNATIVE, FILE THEIR ANSWER TO THE PLAINTIFF'S AMENDED COMPLAINT, AND CONVERT THE MOTION TO DISMISS TO ONE FOR JUDGMENT ON THE PLEADINGS re <u>14</u> MOTION to Dismiss by Ronald Benoit, Debra Benveniste, Sally Blais, Richard Blease, Board of Health of the Town of






		Holland, Harold Congdon, Robert Dymon, Robert Ford, Kevin Gleason, Benjamin Haller, William Hardy, Holland Conservation Commission, Holland Police Department, Earl Johnson, Helen Kreiger, Marilyn LaPlante, Joanne May, Vincent J. McCaughey, Dora Metrelis, Planning Board Town of Holland, Arthur A. Quinn, Brian Roche, John Stevens, Town of Holland, Zoning Board of Appeals, Town of Holland. (Pelletier, Nancy) (Entered: 07/19/2004)
07/27/2004	<u>23</u>	Ptf's MOTION for Leave to File a memorandum of law in excess of 20 pages in support of Ptf's motion to amend his motion for default judgment or in the alternative motion for partial summary judgment by Peter K. Frei. (Lindsay, Maurice) (Entered: 07/27/2004)
07/28/2004	<u>23</u>	Judge Kenneth P. Neiman : ELECTRONIC ORDER entered denying without prejudice <u>23</u> Plaintiff's Motion for Leave to File a Memorandum in Excess of Twenty Pages. Plaintiff shall make every effort to come within the twenty page limit. (Neiman, Kenneth) (Entered: 07/28/2004)
07/30/2004	<u>24</u>	Ptf's OPPOSITION with memorandum in support thereof to Dft's motion for leave to proceed on their motion to dismiss or, in the alternative, file their answer to the Ptf's amended complaint, and convert the motion to dismiss to one for judgment on the pleadings by Peter K. Frei. (Lindsay, Maurice) (Entered: 07/30/2004)
08/05/2004	<u>25</u>	Ptf's MOTION for Leave to amend his motion for default judgment by the court (20 pages) or, in the alternative, to reconsider Ptf's motion for leave to file a memo of law in excess 20 pages, by Peter K. Frei. (Lindsay, Maurice) (Entered: 08/05/2004)
08/06/2004	<u>25</u>	Judge Kenneth P. Neiman : ELECTRONIC ORDER entered denying without prejudice <u>25</u> Plaintiff's Motion for Leave to Amend or to Reconsider. The clerk shall set this down for a case management conference. The parties shall file no further motions and/or documents in the interim. So ordered. (Neiman, Kenneth) (Entered: 08/06/2004)
08/06/2004	<u>26</u>	NOTICE of Hearing ISSUED, cc:cl. Case Management Conference set for 9/1/2004 at 11:00 AM in Courtroom 3 before Magistrate Judge Kenneth P. Neiman. (Healy, Bethaney) (Entered: 08/06/2004)
09/01/2004	<u>27</u>	CERTIFICATION pursuant to Local Rule 16.1 by Ronald Benoit, Debra Benveniste, Sally Blais, Richard Blease, Board of Health of the Town of Holland, Harold Congdon, Robert Dymon, Robert Ford, Kevin Gleason, Benjamin Haller, William Hardy, Holland Conservation Commission, Holland Police Department, Earl Johnson, Helen Kreiger, Marilyn LaPlante, Joanne May, Vincent J. McCaughey, Dora Metrelis, Planning Board Town of Holland, Arthur A. Quinn, Brian Roche, John Stevens, Town of Holland, Zoning Board of Appeals, Town of Holland. (Healy, Bethaney) (Entered: 09/01/2004)
09/01/2004	<u>28</u>	Judge Kenneth P. Neiman : ELECTRONIC ORDER entered, at the mutual request of the parties, withdrawing <u>14</u> Defendants' Motion to Dismiss, <u>16</u> Plaintiff's Motion for Entry of Default, <u>17</u> Plaintiff's Motion for Default Judgment, and <u>22</u> Defendants' Motion for Leave to Proceed



		on their Motion to Dismiss or, In the Alternative, File their Answer and Convert the Motion to Dismiss to One for Judgment on the Pleadings. (Neiman, Kenneth) (Entered: 09/01/2004)
09/01/2004	<u>28</u>	Judge Kenneth P. Neiman :SCHEDULING ORDER entered. By 9/14/2004, Defts. shall file an answer to the complaint and the consent to jurisdiction form. All written discovery and non-expert depositions to be completed by 3/14/2005. Parties shall appear for a Case Management Conference on 3/24/2005 at 10:00 AM in Courtroom 3 before Magistrate Kenneth P. Neiman; cc/cl. (Finn, Mary) (Entered: 09/01/2004)
09/14/2004	<u>29</u>	ANSWER to Amended Complaint by Ronald Benoit, Debra Benveniste, Sally Blais, Richard Blease, Board of Health of the Town of Holland, Harold Congdon, Robert Dymon, Robert Ford, Kevin Gleason, Benjamin Haller, William Hardy, Holland Conservation Commission, Holland Police Department, Earl Johnson, Helen Kreiger, Marilyn LaPlante, Joanne May, Vincent J. McCaughey, Dora Metrelis, Planning Board Town of Holland, Arthur A. Quinn, Brian Roche, John Stevens, Town of Holland, Zoning Board of Appeals, Town of Holland. (Attachments: # <u>1</u> pages 21 - 40# <u>2</u> pages 41 - 60# <u>3</u> pages 61 - 80# <u>4</u> pages 81 - 100# <u>5</u> pages 101 - 110)(Pelletier, Nancy) (Entered: 09/14/2004)
09/14/2004	<u>30</u>	Not all parties consented to assignment of case to Magistrate Judge Neiman. Case to be reassigned to Judge Michael A. Ponsor. Document not scanned and placed in the vault. (Finn, Mary) (Entered: 09/14/2004)
09/14/2004	<u>31</u>	Case reassigned to Judge Michael A Ponsor. Judge Kenneth P. Neiman no longer assigned to the case. Counsel are directed to the Court's Standing Orders re: Electronic Case Filing; cc/cl. (Finn, Mary) (Entered: 09/15/2004)
10/04/2004	<u>32</u>	Pltf's motion strike answers and affirmative defenses of the Defts' answer and, in the alternative, motion for a More Definite Statement on affirmative defenses filed.(Finn, Mary) (Entered: 10/04/2004)
10/04/2004	<u>33</u>	MEMORANDUM in Support re <u>32</u> MOTION for More Definite Statement MOTION to Strike filed by Peter K. Frei. (Finn, Mary) (Entered: 10/04/2004)
10/15/2004	<u>34</u>	NOTICE of Appearance by Dorothy Varon on behalf of all defendants (Varon, Dorothy) (Entered: 10/15/2004)
10/15/2004	<u>35</u>	Opposition re <u>32</u> MOTION for More Definite Statement MOTION to Strike <i>Answers and Affirmative Defenses of the Defendants' Answer</i> filed by Ronald Benoit, Debra Benveniste, Sally Blais, Richard Blease, Board of Health of the Town of Holland, Harold Congdon, Robert Dymon, Robert Ford, Kevin Gleason, Benjamin Haller, William Hardy, Holland Conservation Commission, Holland Police Department, Earl Johnson, Helen Kreiger, Marilyn LaPlante, Joanne May, Vincent J. McCaughey, Dora Metrelis, Planning Board Town of Holland, Arthur A. Quinn, Brian Roche, John Stevens, Town of Holland, Zoning Board of Appeals, Town of Holland. (Attachments: # <u>1</u> Exhibit 1# <u>2</u> Exhibit 2)(Pelletier, Nancy) (Entered: 10/15/2004)

10/22/2004	<u>36</u>	Judge Michael A Ponsor : ORDER entered REFERRING MOTION <u>32</u> MOTION for More Definite Statement MOTION to Strike filed by Peter K. Frei and full case management except dispositive motions to Magistrate Judge Kenneth P. Neiman(French, Elizabeth) (Entered: 10/22/2004)
12/10/2004	<u>37</u>	Judge Kenneth P. Neiman : ELECTRONIC ORDER entered granting in part and denying in part <u>32</u> Plaintiff's Motion to Strike and/or in the Alternative for a More Definite Statement. The motion to strike is ALLOWED with regard to Affirmative Defenses 9 and 10. In all other respects, the motion to strike and/or for a more definite statement is DENIED essentially for the reasons set forth in Defendants' opposition. First, paragraphs 3 through 7 of Defendants' Answer do not implicate any of the affirmative defenses which Plaintiff seeks to strike and paragraphs 34 and 35 do not raise improper venue as an affirmative defense. Second, given the prolix nature of Plaintiff's complaint and the frequent use of quotations therein, the court does not deem any of Defendants' answers violative of Rule 8(b). Third, the court does not deem improper those of Defendants' answers which either assert that the responding allegation calls for a legal conclusion or state "to the extent an answer is required" and, in any event, Plaintiff can consider the relevant paragraphs in his complaint as denied. Fourth, the court finds insufficient grounds for Plaintiff's allegation that Defendants failed to make reasonable inquiry before answering the complaint and, in any event, the necessary facts can be adduced during discovery. In sum, given the extensive nature of Plaintiff's complaint, the time period it covers and its oftentimes conclusory nature, the court deems Defendants' answers sufficient for present purposes. (Neiman, Kenneth) (Entered: 12/10/2004)
01/14/2005	<u>37</u>	MOTION for Judgment on the Pleadings by Debra Benveniste, Sally Blais, Richard Blease, Harold Congdon, Robert Dymon, Robert Ford, Kevin Gleason, Benjamin Haller, William Hardy, Earl Johnson, Marilyn LaPlante, Joanne May, Vincent J. McCaughey, Dora Metrelis, Arthur A. Quinn, Brian Roche, John Stevens, Town of Holland, Board of Health of the Town of Holland, Holland Conservation Commission, Holland Police Department, Planning Board Town of Holland, Zoning Board of Appeals, Town of Holland, Ronald Benoit. (Attachments: # <u>1</u> Memorandum, pgs 1-20# <u>2</u> Memorandum, pgs 21-38# <u>3</u> Exhibit One) (Pelletier, Nancy) (Entered: 01/14/2005)
01/21/2005	<u>38</u>	Emergency MOTION to deny dft's motion for judgement on the pleadings. or in the alternative, to convert motion for judgement on the pleadings into rule 56 motion and allow both parties more time by Peter K. Frei.(Lindsay, Maurice) (Entered: 01/21/2005)
01/21/2005	<u>39</u>	MEMORANDUM in Support of his <u>38</u> Emergency MOTION to deny dft's motion for judgement on the pleadings. or in the alternative, to convert motion for judgement on the pleadings into rule 56 motion and allow both parties more time filed by Peter K. Frei. (Lindsay, Maurice) (Entered: 01/21/2005)
01/24/2005	<u>40</u>	Opposition re <u>38</u> MOTION to deny dft's motion for judgement on the



		pleadings. or in the alternative, to convert motion for judgement on the pleadings into rule 56 motion and allow both parties more time filed by Debra Benveniste, Sally Blais, Richard Blease, Harold Congdon, Robert Dymon, Robert Ford, Kevin Gleason, Benjamin Haller, William Hardy, Earl Johnson, Helen Kreiger, Marilyn LaPlante, Joanne May, Vincent J. McCaughey, Dora Metrelis, Arthur A. Quinn, Brian Roche, John Stevens, Town of Holland, Board of Health of the Town of Holland, Holland Conservation Commission, Holland Police Department, Planning Board Town of Holland, Zoning Board of Appeals, Town of Holland, Ronald Benoit. (Varon, Dorothy) (Entered: 01/24/2005)
01/26/2005		Judge Kenneth P. Neiman : Electronic ORDER entered granting in part and denying in part <u>38</u> Plaintiff's Emergency Motion to strike Defendants' motion for judgment on the pleadings or, in the alternative, to convert the motion to one for summary judgment and allow both parties more time. To the extent Plaintiff's motion seeks to strike Defendants' motion or convert it to one for summary judgment, it is DENIED, essentially for the reasons set forth in Defendants' Opposition, namely, the stage of discovery and the fact that the particular attachment to Defendants' motion does not call for such a conversion. However, Plaintiff is correct in noting Defendants' failure to seek leave of court to file a memorandum in excess of twenty pages and, as well, the discrepancy in Defendants' certificate of service. Defendants' failure, however, is de minimis and the court hereby ALLOWS Defendants' late request, as set forth in their opposition, to accept their memorandum as filed. As for the the discrepancy in Defendants' certificate of service, Plaintiff is hereby granted substantial time, i.e., to February 25, 2005, to respond to Defendants' motion. So ordered. (Neiman, Kenneth) (Entered: 01/26/2005)
01/31/2005		Notice of correction to docket made by Court staff. Correction: the date the complaint was filed from 4/06/2004 to 4/05/2004 corrected because: I forgot to change the date of entry when docketing the complaint on 4/06/2004. (mef) (Finn, Mary) (Entered: 01/31/2005)
02/24/2005	 41	MOTION to Stay <i>Proceedings Until This Court Rules on the Defendants' Motion for Judgment on the Pleadings</i> by Debra Benveniste, Sally Blais, Richard Blease, Harold Congdon, Robert Dymon, Robert Ford, Kevin Gleason, Benjamin Haller, William Hardy, Earl Johnson, Helen Kreiger, Marilyn LaPlante, Joanne May, Vincent J. McCaughey, Dora Metrelis, Arthur A. Quinn, Brian Roche, John Stevens, Town of Holland, Board of Health of the Town of Holland, Holland Conservation Commission, Holland Police Department, Planning Board Town of Holland, Zoning Board of Appeals, Town of Holland, Ronald Benoit. (Varon, Dorothy) (Entered: 02/24/2005)
02/24/2005	 42	Pltf's MOTION for Leave to File opposition to the Defts' motion for judgment on the pleadings in excess of twenty (20) pages (61 pages) by Peter K. Frei filed. (Finn, Mary) (Entered: 02/24/2005)
02/24/2005	 43	Pltf's motion to ext. time for discovery and to cont. the case management conf. set for 3/24/2005 at 10:00 A.M. until September 2005 by Peter K.

		Frei filed..(Finn, Mary) (Entered: 02/24/2005)
02/24/2005	<u>44</u>	Pltf's MEMORANDUM in Support of his <u>43</u> motion to ext. discovery and to cont. the case management conf. set for 3/24/2005 to September 2005 by Peter K. Frei filed. (Finn, Mary) Additional attachment(s) added on 2/24/2005 (Finn, Mary). (Entered: 02/24/2005)
02/24/2005	<u>45</u>	Pltf's CERTIFICATE OF CONSULTATION re <u>42</u> MOTION for Leave to File, <u>43</u> MOTION to Continue MOTION for Extension of Time to Complete Discovery by Peter K. Frei filed. (Finn, Mary) (Entered: 02/24/2005)
02/25/2005		Judge Kenneth P. Neiman : ELECTRONIC ENDORSED ORDER entered granting the Pltf's <u>42</u> motion for Leave to File resp. in opposition to the Defts' motion for judgment on the pleadings in excess of twenty (20) pages; cc/cl. and Pltf. (Finn, Mary) (Entered: 02/25/2005)
02/25/2005	<u>46</u>	Pltf's MEMORANDUM in Opposition to the Defts' <u>37</u> MOTION for Judgment on the Pleadings by Peter K. Frei; cc/cl. and Pltf. (Attachments: # 1 # 2)(Finn, Mary) (Entered: 02/25/2005)
02/28/2005		Judge Kenneth P. Neiman : Electronic ORDER entered. The court, having reviewed the parties' motions with regard to discovery and having considered as well the nature of Plaintiff's opposition to Defendants' motion for judgment on the pleadings <u>37</u> , hereby grants both <u>41</u> Defendants' Motion to Stay and <u>43</u> Plaintiff's Motion to Enlarge Time as follows: the March 24, 2005 case management conference is hereby cancelled and further discovery is suspended pending a ruling on Defendants' motion for judgment on the pleadings. So ordered. (Neiman, Kenneth) (Entered: 02/28/2005)
06/17/2005	<u>47</u>	Pltf's MOTION to Amend and Supplement the <u>1</u> Complaint for the second time by Peter K. Frei filed.(Finn, Mary) (Entered: 06/20/2005)
06/17/2005	<u>48</u>	Pltf's MEMORANDUM in Support of his <u>47</u> MOTION to Amend <u>1</u> Complaint for the second time by Peter K. Frei filed. (Finn, Mary) (Entered: 06/20/2005)
07/01/2005	<u>49</u>	Opposition re <u>47</u> MOTION to Amend <u>1</u> Complaint filed by Debra Benveniste, Sally Blais, Richard Blease, Harold Congdon, Robert Dymon, Robert Ford, Kevin Gleason, Benjamin Haller, William Hardy, Earl Johnson, Helen Kreiger, Marilyn LaPlante, Joanne May, Vincent J. McCaughey, Dora Metrelis, Arthur A. Quinn, Brian Roche, John Stevens, Town of Holland, Board of Health of the Town of Holland, Holland Conservation Commission, Holland Police Department, Planning Board Town of Holland, Zoning Board of Appeals, Town of Holland, Ronald Benoit. (Pelletier, Nancy) (Entered: 07/01/2005)
07/11/2005		Judge Michael A Ponsor : ENDORSED ORDER entered denying <u>47</u> Motion to Amend and supplement complaint for the second time. DENIED, as untimely. The court may reconsider this ruling as part of its consideration of the issues raised by the defendants' motion for judgment on the pleadings. So ordered. cc/cl (Lindsay, Maurice) (Entered: 07/11/2005)

		07/12/2005)
07/25/2005	50	NOTICE of Hearing on Motion <u>37</u> MOTION for Judgment on the Pleadings: Motion Hearing set for 9/21/2005 03:00 PM in Courtroom 1 before Judge Michael A Ponsor. (French, Elizabeth) (Entered: 07/25/2005)
08/19/2005		Case no longer referred to Magistrate Judge Kenneth P. Neiman. Case had originally been referred for full pretrial management, excluding dispositive motions. Original referral is terminated this day for statistical purposes. (Healy, Bethaney) (Entered: 08/19/2005)
09/21/2005		ElectronicClerk's Notes for proceedings held before Judge Michael A Ponsor : Motion Hearing held on 9/21/2005 re <u>37</u> MOTION for Judgment on the Pleadings filed by John Stevens,, Robert Ford,, Brian Roche,, Town of Holland,, Board of Health of the Town of Holland,, Holland Conservation Commission,, Holland Police Department,, Planning Board Town of Holland,, Zoning Board of Appeals,Town of Holland,, Ronald Benoit,, Debra Benveniste,, Sally Blais,, Richard Blease,, Harold Congdon,, Robert Dymon,, Kevin Gleason,, Benjamin Haller,, William Hardy,, Earl Johnson,, Marilyn LaPlante,, Joanne May,, Vincent J. McCaughey,, Dora Metrelis,, Arthur A. Quinn,. (Court Reporter Sara Mubarek.) (French, Elizabeth) (Entered: 09/22/2005)
02/17/2006	51	Judge Michael A Ponsor : MEMORANDUM AND ORDER entered granting Dft's <u>37</u> Motion for Judgment on the Pleadings as to Counts 1-6, 8-39, 50-54, and 56-59; Counts 7,40,49,55,60, and 61 are hereby DISMISSED WITHOUT PREJUDICE. See the attached memo & order for complete details. cc/cl (Lindsay, Maurice) (Entered: 02/17/2006)
02/17/2006	52	Judge Michael A Ponsor : ORDER entered. JUDGMENT in favor of Defendants Town of Holland, et al against Plaintiff Peter K. Frei (Lindsay, Maurice) (Entered: 02/17/2006)
02/17/2006		Civil Case Terminated. (Lindsay, Maurice) (Entered: 02/17/2006)
03/14/2006	53	NOTICE of Change of Address by Peter K. Frei filed. (Finn, Mary) (Entered: 03/14/2006)
03/14/2006	54	Pltf's NOTICE OF APPEAL as to <u>51</u> Memorandum and Order on Motion for Judgment on the Pleadings, <u>52</u> Judgment by Peter K. Frei filed. Filing fee of \$255.00 paid. Receipt number: 306210. NOTICE TO COUNSEL: A Transcript Report/Order Form, which can be downloaded from the First Circuit Court of Appeals web site at <a href="http://www.ca1.uscourts.gov/clerks/transcript.htm">http://www.ca1.uscourts.gov/clerks/transcript.htm</a> MUST be completed and submitted to the Court of Appeals. Appeal Record due by 4/3/2006. (Finn, Mary) (Entered: 03/14/2006)